

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N.W. 1/2 Almond Avenue, 45' E. of
of Debbie Avenue
602 Almond Avenue
15th Election District
5th Councilmanic District
James Wesley Osment, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-190-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Sections 1802.3.B and 302.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (carport) with a side yard setback of 3 ft. in lieu of the minimum required 11.25 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 302.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12 day of November, 1991 that the Petition for a Zoning Variance from Sections 1802.3.B and 302.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (carport) with a side yard setback of 3 ft. in lieu of the minimum required 11.25 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 10 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

-2-

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 29, 1991

Mr. James Wesley Osment, Jr.
602 Almond Avenue
Baltimore, Maryland 21221

RE: Petition for Residential Zoning Variance
Case No. 92-190-A

Dear Mr. Osment:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described as the description and plot attached hereto and made a part hereof, petition for a Variance from Section

1802.3.B (211.3, 214.1) 302.1 - to allow an open projection (carport) with a sideyard setback of 3' in lieu of the minimum required 11.25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):

There is a 15 foot setback on the side of my property I wish to put up a carport that would require a 3 foot setback to be practical and have enough room for me to park my car. I am a school Board Director and I have to load and unload many instruments. The carport would make this more convenient for me.
Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

James Wesley Osment Jr.

(Type or Print Name)

Signature

Address

City/Township/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City/Township/Zip Code

Attorney's telephone number

Legal Owner(s):

James Wesley Osment Jr.

(Type or Print Name)

Signature

Address

City/Township/Zip Code

Home, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

City/Township/Zip Code

Name

Address

City/Township/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 12 day of Nov, 1991, that the subject matter of this petition be posted on the property on or before the 3 day of Nov, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 12 day of Nov, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County.



ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: DATE:

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-190-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at
602 Almond Ave, Baltimore, MD 21221
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

There is a 7 foot easement on the side of my property. I wish to put up a carport that would require a 3 foot easement to be practical and have enough room to park my car.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Signature of Affiant(s)

Signature of Affiant(s)

Signature of Affiant(s)

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Signature of Affiant(s)

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
18th day of October, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: James W. Osment

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 4, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Bertoldi Property, Item No. 172
Koss Property, Item No. 192
Pitts Property, Item No. 193
Welmer Property, Item No. 196
Frey Property, Item No. 197
Goodwin Property, Item No. 198
Pettit Property, Item No. 199
McQuain Property, Item No. 200
Osment Property, Item No. 201
Shapiro Property, Item No. 203
Chaney Property, Item No. 204
Collieran Property, Item No. 207
Fisher Property, Item No. 208
Wilson Property, Item No. 211

In reference to the petitioners' request, the staff offers
no comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffery Long in the
Office of Planning at 887-3211.

PK/JL/rdn

ITMS172/TXTROZ



700 East Joppa Road Suite 901
Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 18, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES WESLEY OSMENT, JR.

Location: #602 ALMOND AVENUE

Item No.: 201 Zoning Agenda: NOVEMBER 5, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and Approved *James E. Dyer*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

DATE: November 20, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 5, 1991

This office has no comments for item numbers 201, 203, 204, 205, 206,
207, 208 and 211.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd



92-190-A 11/25

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 14, 1991
Zoning Administration and Development Management

FROM: Robert W. Baskin, P.E.

RE: Zoning Advisory Committee Meeting
14 November 1991

The Traffic Engineering Division has reviewed
the subject zoning plans and has no comments for
items 201, 203, 204, 205, 206, 207, 208, and 209.

For item 211, the lot dimensions shown on the plan
do not agree with Plot Book 10, Folio 11.

Robert W. Baskin
Robert W. Baskin, P.E.
Traffic Engineering Division

RWB:ll

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

92-190-A

TO: Lawrence E. Schmidt DATE: October 22, 1991
Zoning Commissioner

Timothy Kotroco
Deputy Zoning Commissioner

FROM: John J. Sullivan, Jr.
Planner, ZADM

SUBJECT: Residential Variance Petition, Item #201

On Friday, October 11, 1991, Mr. Sampson appeared for a 10:45
A.M. filing appointment representing a Mr. James W. Osment, Jr. At this
time, I informed Mr. Sampson that it was obvious that neither he nor Mr.
Osment had read the sample Zoning Hearing Checklist booklet as the
following were missing:

- 1) Reasons for hardship or practical difficulty;
- 2) Notary affidavit was incomplete;
- 3) Proposed carport was not shown;
- 4) Proposed carport setbacks were not shown
- 5) Zoning of site;
- 6) Distance to closest intersecting street;
- 7) Any prior zoning hearings;
- 8) 1" = 200' Scale Zoning Map;
- 9) Aerial Map;
- 10) 3 copies of a zoning description; and
- 11) Photographs.

At this time, I added all information except:

- 1) Missing Notary affidavit information
- 2) Reasons for hardship/practical difficulty;
- 3) Aerial Map; and
- 4) Photographs

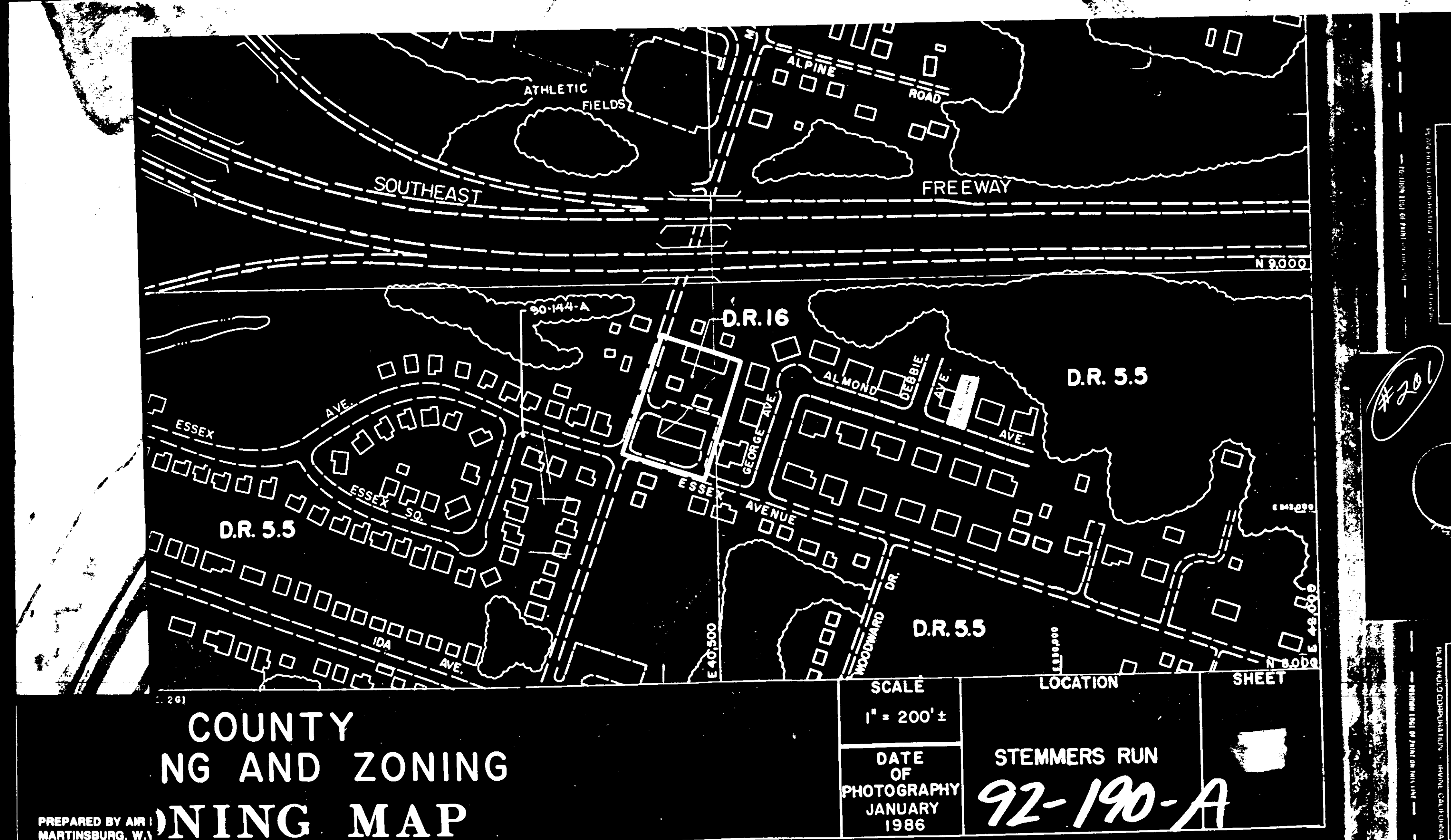
Mr. Sampson called me on Thursday, October 17, 1991, for an
appointment and I saw him at 11:45 a.m. on Friday, October 18, 1991. At
that time, I added the site location to the aerial map. I advised Mr.
Sampson to submit a photo (taken from the street showing the proposed
location of the carport) as soon as possible or the decision will be
delayed. Mr. Sampson stated that he would take the photo this

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afternoon and get it to me as soon as possible. I accepted the petition
for filing.

JJS/jat
cc: Mr. & Mrs. James W. Osment, Jr.
Petition File

Side - from Black
602 Wooded Area

An aerial photograph of a residential area. A prominent, wide, curved road or driveway dominates the center of the image, leading from the bottom towards the top. To the left of this road, there are several large, dark, rectangular structures, possibly houses or industrial buildings, surrounded by trees and vegetation. To the right of the road, there is a large, open, light-colored area, possibly a field or a large parking lot. In the background, more residential buildings and trees are visible. The overall image is in black and white, with high contrast, making some details difficult to discern.

THE ZONING GAP

SCALE 1" = 200' ±	LOCATION STEMMERS RUN	SHEET N. E. 3-G
DATE OF PHOTOGRAPHY JANUARY 1986	92-190-A	